

Section 2: Privacy Plan

Privacy Plan Overview

On July 30, 2004, the US Department of Housing and Urban Development (HUD) released the standards for Homeless Management Information Systems (69 Federal Register 45888). This standard outlines the responsibilities of the HMIS and for the agencies which participate in an HMIS. This section of our Standard Operating Procedure describes the Privacy Plan of the DuPage County HMIS. We intend our policy and plan to be consistent with the HUD standards. All users, agencies and system administrators must adhere to this Privacy Plan.

We intend our Privacy Plan to support our mission of providing an effective and usable case management tool. We recognize that clients served by individual agencies are not exclusively that “agency’s client” but instead are truly a client of the DuPage County Continuum of Care. Thus, we have adopted a Privacy Plan which supports limited sharing of client-level data with the intent to improve coordination of care and resource linkages amongst partnering agencies.

The core tenant of our Privacy Plan is the Baseline Privacy Notice. The Baseline Privacy Notice describes how client information may be used and disclosed and how clients can get access to their information. Each agency must either adopt the Baseline Privacy Notice or develop a Privacy Notice which meets or exceeds all minimum requirements set forth in the Baseline Privacy Notice (this is described in the Agency Responsibilities section of this Privacy Plan). This ensures that all agencies who participate in the HMIS are governed by the same minimum standards of client privacy protection. Although the Baseline Privacy Notice and its related forms are appendices to this section, they act as the cornerstone of our Privacy Plan.

All amendments to the Privacy Plan (including changes to the Baseline Privacy Notice and related forms) are proposed by the Data & Performance Committee and reviewed by the Leadership Committee of the DuPage County Continuum of Care. All forms as referenced are posted online, dupagehomeless.org/hmis/forms.

Privacy Plan Documents & Forms	Description	Use by Agency
Baseline Privacy Notice	This is the main document of this Privacy Plan. This document outlines the minimum standard by which an agency collects, utilizes and discloses information.	*REQUIRED* Agencies must adopt a privacy notice which meets all minimum standards.
Privacy Posting	This posting explains the reason for asking for personal information and notifies the client of the Privacy Notice.	*REQUIRED* Agencies must adopt and utilize a Privacy Posting.
Request to Not Share Information in HMIS	This form gives the client the opportunity to opt out or revoke the sharing of their information to other agencies in HMIS.	*REQUIRED* Agencies must have this form available for the client.
Acknowledgement of Receipt	This form provides physical documentation that the client was informed of the privacy notice and their rights regarding opting-out of data sharing.	*Optional* Agencies are encouraged, but not required to utilize this form.

User Responsibilities

A client's privacy is upheld only to the extent that the users and direct service providers protect and maintain their privacy. The role and responsibilities of the user cannot be over-emphasized. A user is defined as a person that has direct interaction with a client or their data. (This could potentially be any person at the agency: a staff member, volunteer, contractor, etc.)

Users have the responsibility to:

- Understand their agency's Privacy Notice.
- Be able to explain their agency's Privacy Notice to clients.
- Follow their agency's Privacy Notice.
- Know where to refer the client if they cannot answer the client's questions.
- Present their agency's Privacy Notice to the client before collecting any information.
- Uphold the client's privacy in the HMIS.

Agency Responsibilities

The 2004 HUD HMIS Standards emphasize that it is the agency's responsibility for upholding client privacy. All agencies must take this task seriously and take time to understand the legal, ethical and regulatory responsibilities. This Privacy Plan and the Baseline Privacy Notice provide guidance on the minimum standards by which agencies must operate if they wish to participate in the HMIS.

Meeting the minimum standards in this Privacy Plan and the Baseline Privacy Notice are required for participation in the HMIS. Any agency may exceed the minimum standards described and are encouraged to do so. Agencies must have an adopted Privacy Notice which meets the minimum standards before data entry into the HMIS can occur.

Agencies have the responsibility to:

- Review their program requirements to determine what industry privacy standards must be met that exceed the minimum standards outlined in this Privacy Plan and Baseline Privacy Notice (examples: Substance Abuse Providers covered by 24 CFR Part 2, HIPAA Covered Agencies, Legal Service Providers).
- Review the 2004 HUD HMIS Privacy Standards (69 Federal Register 45888)
- Adopt and uphold a Privacy Notice which meets or exceeds all minimum standards in the Baseline Privacy Notice as well as all industry privacy standards. The adoption process is to be directed by the individual agency. Modifications to the Baseline Privacy Notice must be approved by the HMIS Committee.
- Ensure that all clients are aware of the adopted Privacy Notice and have access to it. If the agency has a website, the agency must publish the Privacy Notice on their website.
- Make reasonable accommodations for persons with disabilities, language barriers or education barriers.
- Ensure that anyone working with clients covered by the Privacy Notice can meet the User Responsibilities.
- Designate at least one user that has been trained to technologically uphold the agency’s adopted Privacy Notice.

System Administration Responsibilities

DuPage County Community Services HMIS Staff have the responsibility to:

- Adopt and uphold a Privacy Notice which meets or exceeds all minimum standards in the Baseline Privacy Notice.
- Train and monitor all users with System Administrator access on upholding system privacy.
- Monitor agencies to ensure adherence to their adopted Privacy Notice.
- Develop action and compliance plans for agencies that do not have adequate Privacy Notices.
- Maintain the HMIS Website to keep all references within the Baseline Privacy Notice up to date.
- Provide training to agencies and users on this Privacy Plan.